

Issued August 24, 1912.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 1577.

(Given pursuant to section 4 of the Food and Drugs Act.)

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### ALLEGED MISBRANDING OF APRICOT CORDIAL.

On February 5, 1912, the United States Attorney for the Southern District of New York, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Tobias Miller, doing business under the name and style of Golden Gate Fruit Co., New York, N. Y., alleging shipment by him, in violation of the Food and Drugs Act, on February 23, 1910, from the State of New York into the State of Texas of a consignment of a certain article of food which was alleged to have been misbranded. The product was labeled: "Old Mission Apricot Brandy. Grown and produced by the Golden Gate Fruit Co. San Gabriel, California, Eastern Offices, New York."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: "Specific gravity at 15.6° C., 1.0643; alcohol by volume, 33.55 per cent; solids, 25.82 per cent; ash, 0.065 per cent; esters, fixed, as acetic, 60.30 parts per 100,000 proof; aldehydes, fixed, as acetic, 5.65 parts per 100,000 proof; fusel oil, 144.2 parts per 100,000 proof." Misbranding was alleged in the information for the reason that the label regarding the product and the substance and ingredients contained therein was false and misleading and labeled so as to deceive and mislead the purchaser, in that the label would indicate that the product was apricot brandy, whereas in truth and in fact it was not apricot brandy but was an apricot cordial.

On April 3, 1912, the case having come on for trial before the court and a jury, upon motion of the defendant, the court directed the jury to find a verdict of not guilty.

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., June 11, 1912.